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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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22971 7590 08/31/2007 MICROSOFT CORPORATION ONE MICROSOFT WAY REDMOND, WA 98052-6399			EXAMINER HOSSAIN, FARZANA E	
			ART UNIT 2623	PAPER NUMBER
			NOTIFICATION DATE 08/31/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

09/770,766

Applicant(s)

PAZ ET AL.

Examiner

Farzana E. Hossain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27, 28, 45 and 46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27, 28, 45 and 46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action is responsive to communications filed on 12/21/05. Claims 1-26, 29-44 and 47 are cancelled. Claims 27 and 46 are amended. Claims 28 and 45 have been previously presented.
2. The examiner notes the applicant's efforts to contact the inventors; the objection will remain until the supplemental Declaration is submitted.

Response to Arguments

3. Applicant's arguments filed 06/21/2007 have been fully considered but they are not persuasive.

Regarding claim 27, the applicant argues that the combination of Gardell and Zdepski do not teach all the elements of the invention. The applicant argues that Gardell does not teach an additional compressed video data stream associated with an interaction layer (Page 5). The applicant states that Gardell discloses interactive elements are transmitted as HTML UI definitions over a separate path as the video stream and the UI definitions are processed by the browser client and therefore the essential feature is the that processing is performed by a browser client (pages 5-6).

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The applicant argues that Zdepski does not disclose or suggest "receiving as an overlay on said first compressed video stream (representing a WWW page), an additional compressed video stream that includes at least one control corresponding to an interaction layer and the client interactive TV system decompresses both the first and the additional video streams...without using a browser client" (Page 6). The applicant further argues that silent in a reference is not proper basis for asserting obviousness (Page 7). The applicant lastly argues that Gardell with Zdepski combination is inoperative as inserting the second compressed stream of Zdepski would render Gardell's browser core and browser client unnecessary as the system extracts and processes the HTML UI definition at the server and STB (Page 7).

In response to the arguments, there is a 112 first rejection for new matter dealing with the limitations for decompression and display of a WWW page without a browser client (See 112 first rejection). The applicant was notified during the examiner interview and the attorney received an interview summary dated 06/27/2007 about the lack of support for the limitations.

In response to the arguments of the prior art, Gardell discloses receiving, at a client interactive TV system, a first compressed video stream representing a WWW page that identifies one or more TV channels (Column 4, lines 29-30, 49-52). Gardell is silent on the additional interaction layer as an overlay. Gardell discloses the UI definitions are in reference to state notification changes (Column 9, lines 14-27, Figure 1, Figure 2, Column 4, lines 9-18). Gardell may have an UI definitions processed by a browser client, however a second interaction layer would not render the browser core

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and browser client unnecessary. Gardell is silent on an additional compressed video stream, which corresponds to an interaction layer. Zdepski discloses a first compressed video stream and receiving as a an overlay on the first compressed video stream an additional compressed video stream corresponding to an interaction layer that allows for user input for modifying the first compressed video stream (Column 4, lines 59-67, Column 5, lines 1-10, Column 6, lines 17-024, Column 16, lines 48-57, Column14, lines 42-58, Column 20, lines 19-22) and decompressing both the first and additional compressed video streams (Column 7, lines 31-42, Column 3, lines 34-39). The motivation to combine is for allowing an image to be edited based on user input from a list of choices available to him/her and the system with a video with background picture (Column 1, lines 50-54). The references do not have to be bodily incorporated. Gardell can have an interaction layer, which would not prevent a second interaction layer.

Furthermore, the new KSR ruling includes rationale that if all the claimed elements that are known in the prior art then one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yield predictable results to one of ordinary skill in the art at the time of the invention.

Oath/Declaration

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4. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application number, country, day, month and year of its filing.

Claim Objections

5. Claim 27 is objected to because of the following informalities: Claim 27 recites "an browser client." The Offices assumes --a browser client--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 27, 28, 45 and 46 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 27 (and dependent claims) recites decompressing a first and additional compressed video stream and displaying the WWW page and the at least one control without using a browser client. The applicant's specification has no support whatsoever for this limitation. The specification is replete with "decompressing the compressed video stream" (Page 12, paragraph 035, Page 13, paragraph 037, Page 39, paragraph 0140) without any disclosure of not using a client browser. The applicant's specification further discloses, "the menu portion of a web browser is utilized and decompressed by all the viewers, which view that particular browser" (Page 10, paragraph 030).

Claim 27 (and dependent claims) recites an additional compressed video stream that includes at least one control corresponding to an interaction layer. The applicant's specification discloses a compressed interaction layer (Page 32, paragraph 0116). The applicant's specification does not disclose an additional compressed video stream.

Claim 46 recites modifying second compressed video stream responsive to the interaction of the user. The applicant's specification discloses that modifying the compressed video stream [in reference to the first compressed video stream] responsive to the received interaction (Page 32, paragraph 0116). The specification does not disclose modifying the additional compressed video stream or interaction layer.

8. Claims 27, 28, 45 and 46 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in

the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 27 (and dependent claims) recites decompressing a first and additional compressed video stream and displaying the WWW page and the at least one control without using a browser client. It is known to one of ordinary skill in the art that a WWW page consists of HTML with additional files and a browser is used to decompress and view the WWW page on the client machine. Furthermore, there is no support for this limitation. The applicant's specification further discloses, "the menu portion of a web browser is utilized and decompressed by all the viewers, which view that particular browser" (Page 10, paragraph 030).

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claim 46 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 46 recites, "said second compressed video stream." The office assumes "second compressed video stream" to be --an additional compressed video stream--.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 27, 28, 45 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gardell et al (US 6,049,831 and hereafter referred to as "Gardell") in view of Zdepski et al (US 6,606,746 and hereafter referred to as "Zdepski").

Regarding Claim 27, Gardell discloses a system (Figure 1) wherein a client interactive TV system (Figure 1, 122, 146) accesses and runs one or more programs remotely at a server (Figure 1, 114, Column 4, lines 49-52) and wherein the server converts display commands generated from the one or more programs into compressed video streams (Column 4, lines 49-52), a method for enabling a client to access TV channel programming via interaction with the one or more programs (Column 9, lines 14-26), the method comprising: receiving, at a client interactive TV system, a first compressed video stream representing a WWW page that identifies one or more TV channels (Column 4, lines 29-30, 49-52), wherein WWW page or Web page is converted to a the first compressed video stream or an MPEG I stream and transmitted to the interactive TV (Figure 1, 122, 146, 138) by a remote server (Figure 1, 138, 114). Gardell discloses displayable portion or HTML UI definitions of Web page (Column 4, lines 29-30, 49-52). Gardell discloses the STB processing image formation for display on television. It is necessary included that the web page or compressed video or MPEG I frame is decompressed or processed to display the web page. Gardell discloses displaying the Web page and the at least one control; detecting an interaction of a user with the at least one control that indicates a selection of the one of the identified one or

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more TV channels or user selecting a link in the MPEG encoded web page (Column 4, lines 9-18); providing the user interaction to the remote server which converts the user interaction into a format that can be assimilated by one or more programs running at the remote server or the session manager responds to the change notifications received by the STB and presenting new information (Column 4, lines 9-18) and in response to the user interaction, receiving and displaying the selected one of the identified TV channels, on the client interactive TV system (Column 9, lines 14-27, Figure 1, Figure 2).

Gardell is silent on receiving as an overlay on the first compressed video stream, an additional compressed video stream that includes at least one control corresponding to an interaction layer that allows for user input for modifying the first compressed video stream, wherein the client interactive TV system decompresses both the first and additional compressed video streams.

Zdepski disclose a system with a client interactive TV system (Figure 1, 140). Zdepski discloses receiving a first compressed video stream or background picture and receiving as an overlay or insert pictures on the first compressed video stream or background picture that includes one control corresponding to an interaction layer that allows for user input for modifying the first compressed video stream (Column 4, lines 59-67, Column 5, lines 1-10, Column 6, lines 17-24, Column 16, lines 48-57, Column 14, lines 42-58, Column 20, lines 19-22), wherein the client interactive TV system decompresses both the first and additional compressed video stream (Column 7, lines 32-40). Zdepski discloses displaying and displays the first compressed video streams and the overlay with the at least one control (Column 4, lines 59-67, Column 5, lines 1-

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10, Column 6, lines 17-24, Column 16, lines 48-57); detecting an interaction of a user with the at least one control that indicates a selection of the video frame or providing an interactive system which allows transmitting to the server changes to the screen (Column 4, lines 59-67, Column 5, lines 1-10, Column 6, lines 17-24, 34-54, Column 16, lines 48-57, Column 14, lines 42-58, Column 20, lines 19-22); providing the user interaction to the remote server (Column 4, lines 59-67, Column 5, lines 1-10, Column 6, lines 17-24, Column 16, lines 48-57, Column 14, lines 42-58, Column 20, lines 19-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gardell to receive as an overlay or insert pictures on the first compressed video stream or background picture that includes one control corresponding to an interaction layer that allows for user input for modifying the first compressed video stream (Column 4, lines 59-67, Column 5, lines 1-10, Column 6, lines 17-24, Column 16, lines 48-57, Column 14, lines 42-58, Column 20, lines 19-22), wherein the client interactive TV system decompresses both the first and additional compressed video stream (Column 7, lines 32-40) as taught by Zdepski in order to provide an image to the user to be edited based on the user input (Column 1, lines 50-54) as disclosed by Zdepski.

Regarding Claim 28, Gardell and Zdepski disclose all limitations of Claim 27. Gardell discloses the TV channel comprises a pay on demand movie or video on demand (VOD) service (Column 8, lines 40-52).

Regarding Claim 45, Gardell and Zdepski disclose all limitations of Claim 27. Zdepski discloses that a first computer runs one or more programs (Figure 1, 104,

Column 5, lines 25-33) and a second computer converts display commands into compressed video (Figure 1, 102, Column 5, lines 20-22).

Regarding Claim 46, Gardell and Zdepski disclose all the limitations of Claim 27. Zdepski discloses modifying the additional compressed video stream or the background and overlay image responsive to the interaction of the user (Column 14, lines 42-67, Column 15, lines 1-13, Column 4, lines 59-67, Column 5, lines 1-10, Column 6, lines 17-24, Column 16, lines 48-57, Column 20, lines 19-22).

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-

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272-5943. The examiner can normally be reached on Monday to Friday 7:30 am to 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FEH
August 23, 2007


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